

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001

03 MDL 1570 (GBD/SN)

This document relates to: *Estate of John P. O'Neill, Sr., et al. v. Al Baraka Investment & Development Corp. et al.*, 04-cv-1923 (GBD) (SN) (S.D.N.Y.)

**AFFIDAVIT OF CAROL A. O'NEILL  
IN SUPPORT OF MOTION FOR CLASS CERTIFICATION**

STATE OF PENNSYLVANIA      )  
                                )  
                                ) ss.:  
COUNTY OF PHILADELPHIA    )

Carol A. O'Neill, being duly sworn, deposes and says:

1. I submit this Affidavit in support of Plaintiffs' Motion for Class Certification and seek to be appointed as Class Representative in my capacity as the child of a 9/11 victim.

2. I was a 17-year-old high school senior when my father, John P. O'Neill, Sr., was murdered on September 11, 2001 while working as the Chief of Security at the World Trade Center. As a result, I have been involved in litigation throughout my entire adult life so that the people and organizations responsible for the terrorist attacks can be brought to justice. Nearly eighteen (18) years later, I am often reminded of that horrific day by newspapers, television, or well-meaning friends and relatives. I anticipate receiving these reminders for the rest of my life. I think of my dad often and the pain of losing him grows stronger when important events in my life arise.

3. Participation in this litigation comes at a high emotional cost. However, that pain and the pursuit of justice for my father and others murdered on that September morning

has propelled me to vigorously pursue this action for the past sixteen (16) years. I will continue in this pursuit on behalf of myself and other Class Members for as long as it takes to reach a resolution. It is a mission of mine to seek justice on behalf of myself and other Class Members to help avoid future tragedies.

4. While my father traveled for work throughout my childhood, my dad always found time to spend with me. He attended my punk rock band's shows in South Jersey. He took my friends and me to New York City to see Aerosmith and Blink 182, as well as many other concerts. Holidays with my dad were always special.

5. Subsequent to September 11, 2001, I attended Stockton University until my senior year. I have one semester of credits left before I can obtain a Bachelor of Science in graphic design. While attending college and for years after, I owned and managed a record and clothing store called Toilet Water in Ocean City, New Jersey, with my mother, Christine O'Neill. In 2012, the store and its contents were destroyed by Superstorm Sandy. Since then I was employed as a dog walker for a company in Philadelphia and most recently as a customer relations trainer at Whole Foods.

6. I am a member of the class identified in the Complaint filed on March 10, 2004, as amended by the First Consolidated Complaint dated September 30, 2005. The class is defined as:

(1) all spouses, children, parents, or siblings of any individual who died at the World Trade Center in New York, NY, the Pentagon Building in Arlington County, Virginia, or in the airliner crash in Shanksville, Pennsylvania, as the result of terrorist attacks on September 11, 2001; and (2) all legal representatives (including executors, estate administrators and trustees) entitled to bring legal action on behalf of any individual who died as the result of terrorist attacks on September 11, 2001; but excluding (3) all individuals, and all spouses, children, parents, siblings, and legal representatives of all individuals identified by the Attorney

General of the United States or otherwise shown to have perpetrated, aided and abetted, conspired in regard to, or otherwise supported the terrorist attacks of September 11, 2001.

7. I am not the only one who lost a loved one on 9/11. At least 2,977 people were killed that Tuesday morning in 2001 based on the same acts committed by the hijackers, all of whom were members of al Qaeda. I lost a loved one just like thousands of other family members due to the same act of terrorism. I, like the other class members, seek justice from the defendants who provided the terrorists with material support and other assistance in the days, months, and years leading up to the attacks. The complaint alleges that these defendants provided the same material support and assistance that ultimately impacted each and every one of us.

8. Like other class members, the trauma attached to losing a loved one on 9/11 has caused me emotional harm. I, like other class members, cannot hear the word 9/11 without tensing up. The family members of those who lost their lives on 9/11 are still dealing with the trauma over eighteen (18) years later.

9. Many children lost a parent as a result of the attacks on September 11, 2001. Many, like myself, were minors at the time, including children in high school, grade school, toddlers, infants, and many babies that had yet to be born. Other children were older, like my brother, John P. O'Neill, Jr. Some lost brothers or sisters; some lost children, like my grandparents; and, some lost a spouse, like my mother. The term loss does not capture the finality of what I, and others in this class, have experienced. What we have lost can never be found.

10. I know the pain suffered from losing a parent at a young age. I knew that because of 9/11 my father could not attend my high school graduation, help me pick a college to

attend, visit new cities I would live in one day, or meet my partner. I could not share tears of sadness with my dad when something bad happened or tears of joy when something good happened. When life was at its hardest, I was not able to obtain any comfort or advice from the parent I lost. I know other children, and family members alike, of those killed on September 11, 2001 have shared a similar loss.<sup>1</sup>

11. I, like the rest of the class members, have suffered immeasurable harm.

12. In this multi-district litigation, 9/11 families are seeking to hold various defendants responsible for their role in the attacks.

13. I have been represented by Jerry S. Goldman, Class Counsel, since 2004. Since that time, I have been in constant communication with Mr. Goldman and his law firm by way of email, phone calls, and in-person meetings for close to sixteen (16) years.

14. I have been pleased with Class Counsel's representation. While the substances of specific discussions are privileged, I can say that Jerry S. Goldman, and other attorneys from Anderson Kill P.C., have and continue to regularly communicate with me and provide me updates on the status of the case in addition to explaining legal theories, detailing possible issues, and summarizing hearings so I am apprised of the litigation over the last almost 16 years. I am always provided an opportunity, when warranted, to explain my own opinions regarding the litigation to counsel. My questions are always promptly answered.

15. I authorized and directed Class Counsel to prepare and file suit on my behalf.

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<sup>1</sup> [REDACTED]

[REDACTED]

[REDACTED]

16. When Defendants served me with interrogatories and a notice of deposition, I diligently complied with their requests in close communication with my counsel. I provided responses to interrogatories, prepared for my class deposition, and attended the deposition.

17. While I have not yet been appointed as Class Representative, once appointed I will zealously take on any task or obligation given by the Court or counsel.

18. I have no conflicts with Class Counsel or with any Class Members. I have suffered the same injury as family members in the class and seek the same result—to hold accountable those responsible for the 9/11 terrorist attacks.

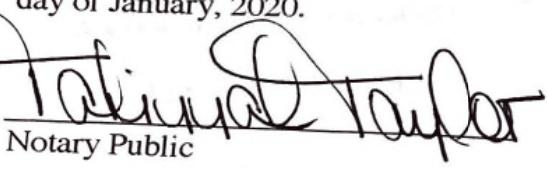
19. I am strong-willed and not hesitant to speak my mind when I believe I have something to say. My father deeply believed in justice, as do I. I seek to be appointed as Class Representative to continue what I started almost sixteen years ago and achieve justice in honor of my father.

WHEREFORE, I respectfully request I be appointed Class Representative and request the Motion for Class Certification against the al Baraka Defendants be granted in all respects.

Dated: January 15, 2020  
Philadelphia, Pennsylvania

  
Carol A. O'Neill

Sworn to before me this 15<sup>th</sup>  
day of January, 2020.

  
Notary Public

